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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK A. MARTINEZ,

Plaintiff,

No. 2:11-cv-0942 KJN P

vs.

WARDEN TIM VIRGA, et al.,

Defendants.

ORDER

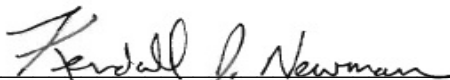
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Plaintiff is a state prisoner proceeding without counsel. On May 20, 2011, plaintiff filed a motion entitled, "Plaintiff's Motion for Defendants to Provide Medical Documents January 2011 through May 16, 2011." (Dkt. No. 29.) Plaintiff states that defendants at California State Prison - Sacramento Medical Records have not responded to his request for medical records, and he has received no response to his 602 grievance seeking the records.

Plaintiff's motion is premature. No defendants have been served with process, because no operative complaint is on file. Plaintiff's third amended complaint is due on or before September 9, 2011. Plaintiff is advised that once defendants have been served and have filed an answer, the court will issue an order addressing discovery. Plaintiff is not required to submit evidence, including medical records, in support of his case until a dispositive motion is at issue, requiring evidentiary support, or the case goes to trial.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's May 20, 2011 motion
2 (dkt. no. 29) is denied without prejudice.

3 DATED: August 29, 2011

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6 KENDALL J. NEWMAN
7 UNITED STATES MAGISTRATE JUDGE

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